

OPEN MEETING ITEM

ORIGINAL
COMMISSIONERS
BOB STUMP, Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH



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ARIZONA CORPORATION COMMISSION

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DATE: APRIL 15, 2013

AZ CORP COMMISSION
DOCKET CONTROL

DOCKET NOS.: T-04013A-04-0564 AND T-04186A-04-0564

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Teena Jibilian. The recommendation has been filed in the form of an Order on:

NETWORKS US, INC. DBA CA AFFINITY AND
MOTION TELECOM, INC.
(SALE/TRANSFER/CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

APRIL 24, 2013

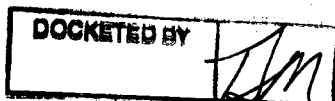
The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

MAY 1, 2013 AND MAY 2, 2013

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission
DOCKETED

APR 15 2013



Jodi A. Jerich
JODI JERICH
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347
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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov.

10/1/12

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

IN THE MATTER OF THE APPLICATION OF
NETWORK US, INC. DBA CA AFFINITY
NOTIFICATION OF AN ASSET PURCHASE
AGREEMENT WHEREBY NETWORK US, INC.
WILL PURCHASE SUBSTANTIALLY ALL OF
THE TELECOMMUNICATION ASSETS OF
MOTION TELECOM, INC., INCLUDING BUT
NOT LIMITED TO MOTION'S CUSTOMER
ACCOUNTS.

DOCKET NO. T-04013A-04-0564
DOCKET NO. T-04186A-04-0564

DECISION NO. _____

ORDER

Open Meeting
May 1 and 2, 2013
Phoenix, Arizona

BY THE COMMISSION:

* * * * *

Having considered the entire record herein and being fully advised in the premises, the
Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On August 2, 2004, Network US, Inc. dba CA Affinity ("Network")¹ and Motion
Telecom, Inc. ("MTI")² (jointly "Applicants") filed a notification with the Arizona Corporation
Commission ("Commission") of an Asset Purchase Agreement whereby Network will purchase
substantially all of the telecommunications assets of MTI, including but not limited to MTI's
customer accounts ("Application"). The Application was signed by counsel for Network.

2. On August 6, 2004, a second copy of the Application was filed, signed by counsel for

¹ On October 8, 2002, Network filed an application for a Certificate of Convenience and Necessity ("CC&N") in Docket
No. T-04013A-02-0949. That docket was administratively closed by Decision No. 72782 (February 1, 2012).

² MTI was granted a CC&N by Commission Decision No. 66448 (October 24, 2003), issued in Docket No. T-04186A-
03-0406, authorizing it to provide competitive resold interexchange telecommunications services, except local exchange
service, within the State of Arizona.

1 MTI.

2 3. On August 24, 2004, Applicants filed a letter stating that affected subscribers were
3 notified of the change in ownership.

4 4. On December 13, 2004, MTI filed a letter in this docket stating that it is no longer
5 doing business in Arizona, and requesting that its authority to do business as a reseller be cancelled.

6 5. On December 7, 2007, the Commission's Utilities Division ("Staff") filed a letter of
7 Insufficiency and First Set of Data Requests.

8 6. On February 8, 2013, a Procedural Order was issued directing Staff to file an update
9 on the status of this docket to indicate whether further action is necessary, including a
10 recommendation on appropriate Commission action.

11 7. On March 26, 2013, Staff filed a Staff Report in this docket.

12 8. Staff states that MTI has no customers in Arizona.

13 9. Staff states that according to the Commission's Consumer Services database, there
14 have been no complaints, opinions or inquiries filed against either MTI or Network since January 1,
15 2010.

16 10. MTI's authority to do business in Arizona was revoked on June 22, 2009 for failure to
17 file annual reports.

18 11. Staff recommends that the request for the transfer of assets be administratively closed,
19 because Network lacks authority to provide telecommunications services in Arizona, MTI lacks
20 authority to conduct business in Arizona, and MTI has no customers in Arizona.

21 12. Staff further recommends that MTI's request for cancellation of its CC&N be granted,
22 and that MTI no longer be subject to the requirements of Decision No. 66448.

23 13. MTI's CC&N should be cancelled and the Application filed by Network should be
24 dismissed.

25 CONCLUSIONS OF LAW

26 1. MTI is a public service corporation within the meaning of Article XV of the Arizona
27 Constitution and A.R.S. §§ 40-281, 40-282, and 40-285.

28 2. The Commission has jurisdiction over Applicants and the subject matter of the

1 Application.

2 3. The cancellation of MTI's CC&N is in the public interest.

3 4. For the reasons set forth in the Findings of Fact above, the Application filed by
4 Network should be dismissed and this docket should be closed.

5 **ORDER**

6 IT IS THEREFORE ORDERED that the request of Motion Telecom, Inc. that its Certificate
7 of Convenience and Necessity to provide resold interexchange telecommunications services in
8 Arizona shall be, and is hereby, approved, and the Certificate of Convenience and Necessity is
9 cancelled.

10 IT IS FURTHER ORDERED that Motion Telecom, Inc.'s tariff on file with the Commission
11 is hereby cancelled, and that Motion Telecom, Inc. is no longer subject to the requirements of
12 Decision No. 66448.

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1 IT IS FURTHER ORDERED that the Application filed by Network is hereby dismissed and
2 this docket is hereby closed.

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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7 CHAIRMAN

COMMISSIONER

8
9 COMMISSIONER

COMMISSIONER

COMMISSIONER

10
11 IN WITNESS WHEREOF, I, JODI JERICH, Executive
12 Director of the Arizona Corporation Commission, have
13 hereunto set my hand and caused the official seal of the
14 Commission to be affixed at the Capitol, in the City of Phoenix,
15 this _____ day of _____ 2013.

16 JODI JERICH
EXECUTIVE DIRECTOR

17 DISSENT _____

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19 DISSENT _____
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1 SERVICE LIST FOR: NETWORK US, INC. DBA AFFINITY AND
2 MOTION TELECOM, INC.

3 DOCKET NO.: T-04013A-04-0564 AND T-04186A-04-0564

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